

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

## NEYEMBO NDULWEH MIKANDA,

Case No. 3:24-cv-05475-TMC

Plaintiff,

ORDER DISMISSING COMPLAINT  
WITHOUT PREJUDICE FOR FAILURE TO  
PROSECUTE

TACOMA PUBLIC DEFENDER et al.,

## Defendants.

On June 14, 2024, pro se Plaintiff Neyembo Ndulweh Mikanda initiated this case by a proposed complaint. Dkt. 1. However, Mr. Mikanda did not pay the filing fee or request to proceed in forma pauperis (IFP). The same day, the Court issued a Notice of Filing to Mr. Mikanda, informing him of his obligation to either pay the filing fee or file an motion no later than July 15, 2024. Dkt. 2. Mr. Mikanda has not paid the fee or made any since the Notice was sent. On July 30, the Court ordered Mr. Mikanda to show cause as to his case should not be dismissed for failure to prosecute by August 13, 2024. Dkt. 4. The time has passed and Mr. Mikanda has not responded to the Court's order nor made any filings.

Accordingly, the Court dismisses this case without prejudice for failure to prosecute. See

1 Fed. R. Civ. P. 41(b) (allowing for involuntary dismissal for failure to prosecute or failure to  
2 comply with the federal rules or court orders); *Hells Canyon Pres. Council v. U.S. Forest Serv.*,  
3 403 F.3d 683, 689 (9th Cir. 2005) (courts may dismiss cases *sua sponte* pursuant to Rule 41(b)  
4 for failure to prosecute); *Oliva v. Sullivan*, 958 F.2d 272, 274 (9th Cir. 1992) (“The district judge  
5 has an obligation to warn the plaintiff that dismissal is imminent.”); *Grindling v. Kaaukai*, 851 F.  
6 App’x 763, 764 (9th Cir. 2021) (upholding dismissal of case for failure to prosecute where the  
7 plaintiff “failed to file an application to proceed in forma pauperis or pay the filing fee by the  
8 deadline set by the district court, and the district court warned him that failure to do so would  
9 result in dismissal”).

10 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
11 to any party appearing pro se at said party’s last known address.

12 Dated this 15th day of August, 2024.

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15 Tiffany M. Cartwright  
16 United States District Judge  
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